

## II. REMARKS

### A. Introduction

In this Office Action claims 1-3, 6-8, 16, 21 and 23-50 are noted as pending and are rejected.

In summary of this Response, independent claims 1, 16, 27, 33, 39, 42, 45, and 48 are amended, and remarks are provided.

### B. Office Interview

The Examiners' time and thoughtful comments during the May 15, 2008 Office Interview were appreciated.

During the interview, Examiner Hylinski clarified that the meaning of the term "cleft" as used in the Action at, e.g., page 3, line 4, referred to either space defined by either loop 38a or 38b and the upper surface of the support member 29 of Minato (Japanese Reference No. 1-172894), as opposed to a single space extending between the two loops 38a and 38b.

### C. Rejection of Claims

The Action continues to rely on Minato as anticipating or rendering obvious claims 1-3, 6-7, 16, 21, 23-25, 27-31, and 33-34. Dependent claims 8, 26, 32 and 38 are rejected as being made obvious by a combination of Minato and previously-cited Perryman, Great Britain Reference No. 1095490. Finally, claims 45-50 are rejected as being made obvious by Minato and Booher, U.S. Patent No. 4,893,832.

For the following reasons, it is respectfully submitted that the present invention, as recited by amended claims 1-3, 6-8, 16, 21 and 23-50, was neither anticipated nor rendered obvious by the prior art.

The independent claims have been amended herein to recite better that the recess is formed **in** a flat portion of the chassis (see, e.g., Figs. 11 and 12A, B of the present application), not merely **on** the chassis, and that this recess receives at least a portion of the leaf spring/biasing member. Thus, even if one of ordinary skill were to consider that Minato had a cleft as interpreted by the Examiner as noted above, such a cleft is clearly formed on the flat, upper portion of the support member 29 of Minato. See, e.g., Figs. 2 and 3 thereof. There is no recess or indentation actually formed **in** the flat upper surface of the support member 29 of Minato that receives any portion of the spring 36. Since Minato fails to disclose at least one material limitation of the presently recited invention, Minato cannot anticipate these amended

claims.

Further in regard to any possible obviousness argument, by using this structure, the overall height of the leaf spring and the chassis of the present invention can be unexpectedly reduced, thereby allowing for a more miniature toy vehicle, yet with improved handling. Minato lacks any such suggestion and actually teaches away from any structure formed in the support member by indicating that the leaf spring is received entirely above the flat upper surface of the support member. See again Figs. 2 and 3, and page 8, lines 1-2 of the English translation of Minato ("the loop-like receiving portions 38a, 38b provided in a protruding condition on the support member 29." (emphasis supplied).

That it would not be obvious to form a recess within the support member of Minato is made clear in the current reexamination proceeding concerning the parent, U.S. Patent No. 6,656,011 of the present application. See Action Closing Prosecution dated September 24, 2007 at, e.g., page 2, last two lines over to page 3, lines 1-5 ("Minato fails to teach a 'recess portion formed in the upper surface of the upper chassis.' The Merriam Webster's Collegiate Dictionary, Tenth Edition defines a 'recess' as an 'indentation or cleft', therefore one with ordinary skill would not interpret the loop-like members (38a and 38b) of Minato as a recess since they are not indentations or clefts. Additionally the loop like members of Minato are not in the upper surface of the upper chassis ... but rather on the upper surface...").

Neither of the secondary references, i.e., Perryman or Booher, is cited for disclosing or teaching the formation of a recess in a flat portion of the chassis and neither in fact includes such disclosure or teaching. Thus, neither of these references could compensate for the incomplete teaching of Minato. Accordingly, it is respectfully submitted that claims 1-3, 6-8, 16, 21 and 23-50 are patentable over this prior art, either alone or in combination with Minato.

### III. CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that claims 1-3, 6-8, 16, 21 and 23-50 are now in condition for allowance.

If there are any additional fees associated with this Response, please charge same to our Deposit Account No. 19-3935.

Finally, if there are any formal matters remaining after this Response, the undersigned would appreciate a telephone conference with the Examiner to attend to these matters.

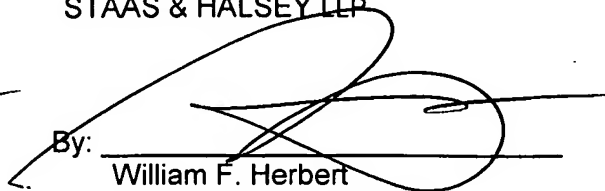
Respectfully submitted,

STAAS & HALSEY LLP

Date:

6/12/08

By:

A large, stylized handwritten signature in black ink, appearing to be 'W. Herbert', written over a horizontal line.

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